

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ANTHONY CHARLES MCDADE,)

8:07CV317

Plaintiff,)

v.)

**MEMORANDUM
AND ORDER**

SAN LUIS OBISPO COUNTY)
SUPERIOR COURT,)

Defendant.)

This matter is before the court on its own motion. On December 13, 2007, the court denied Plaintiff's motion for leave to proceed in forma pauperis ("IFP"). (Filing No. 9.) The court ordered Plaintiff to either show cause why this matter should not be dismissed pursuant to 28 U.S.C. §1915(g), or pay the entire \$350.00 filing fee no later than January 14, 2008. (*Id.*) Plaintiff has taken no action.

IT IS THEREFORE ORDERED that:

1. Plaintiff's claims are dismissed without prejudice.
2. A separate judgment will be entered in accordance with this memorandum and order.

January 24, 2008.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge